

# Invitation for Application

## Reference Section

### General Invitation Questions

- 1
- Q: The documents we submit be treated as FOUO, not-released-to-the-public documents. Perhaps this statement can be included somewhere in the responses you post.

A: The Department has to comply with FOIA dictates which does include exemption requirements allowing for redacting applicable proprietary information.
2.
- Q: Will we receive verification of receipt when we e-mail our application to HUD?

A: Yes, applicants will be notified of receipt of proposals via e: mail.
- 3
- Q: What version of Adobe pdf is required by HUD?

A: HUD does not have Adobe software. HUD uses a software product named PDF Convertor Enterprise 6.0 by Nuance. This PDF software is compatible with all versions of PDF software.
- 4
- Q: Will HUD send an acknowledgement that our proposal was received and the pdf attachments can be opened and read?

A: HUD will open and read 2 to 3 days after the proposal submission deadline. Pursuant to Section 5(e), Application Evaluation, any documents that cannot be opened will result in the application rejection.
5.
- Q: **Due Date:** Invitation says **Friday**, 4/28/11. 4/28/11 is a Thursday. Should it read **Friday**, 4/29/11?

A: Due date is Thursday, 4/28/11
6.
- Q: Will there be an extension of the due date for responses if any or all of the following apply?

a. There is a delay in HUD’s final answers to this Invitation for Bid’s (IFB) questions (beyond 7 days), which will cause difficulty for respondents to meet the current deadline?

b. HUD’s final answers to this IFB’s questions substantively change the initial requirements within the IFB or ACC?

c. If the Draft Transition Guide’s requirements substantively change after it is released in final form in its requirements, will the applicants be given time to implement possible changes to the Transition report before the invitations are due?

A: There will be no due date extensions. Additionally item c is unrelated to the invitation for application.

7.

Q: Please confirm the naming convention for all files and the e-mail(s) transmitting the files/application. Are we to use only the two letter state code vs. the PHA code for all? Would this be correct for files/documents: AZ\_Arizona Department of Housing\_CAPABILITY and this for e-mail transmitting the application: AZ, Arizona Department of Housing, Application PBCA

A: Two letter state code should be used and the Subject Line convention for transmitting the files is correct in this example except that there is no need to insert commas between words.

8.

Q: Can Headquarters confirm that a cost estimate or budget certification is not required to be submitted with the proposal?

A: The invitation for application does not require a cost estimate or budget certification.

9.

Q: The RFP does not request flowcharts or organization charts but instead requires 'narrative' responses to each element. Can Headquarters confirm that the use of charts is prohibited? If charts or other visual tools are used in the body of the proposal, will this in any way be scored against the applicant?

A: The use of charts is not prohibited however inclusion of these documents will be counted as part of the page limitations for the applicable factor.

10.

Q: page 37 of the ACC, Item 3.6, PBT #6, Administration – Monthly and Quarterly Reports, sub-item Monthly Work Plan Report, the second bullet is requesting a description of “Instances where the actual performance of processes is negative when compared to the planned performance specified in the **process metrics** set forth in the PHA’s Invitation....” Similarly on page 42, Item 3.7, PBT#7, Administration - ACC Year End Reports and Certifications, sub-item Annual work Plan, the third bullet is requesting “Describe process **metrics** providing input due date deadlines...” Are actual metrics still a component of the Invitation? If so, are they expected to be incorporated within the page limitations for the various components of the Invitation? Or is this referring to the narrative descriptions as defined in the Technical Approach portion of the Invitation?

A: The revised PB-ACC has transitioned from process oriented language to references that measuring AQL of each PBT.

11.

Q: Please share the proposal reviewers score checklist or tool that will be used when issuing points for each element of the Capability Statement, Technical Approach, and Quality Control Plan.

A: Please share the proposal reviewers score checklist or tool that will be used when issuing points for each element of the Capability Statement, Technical Approach, and Quality Control Plan.

Each Application will be processed by two Teams. One Team, REFERENCE TEAM, will contact the references identified in the Capability Statement. The other Team, TEP TEAM, is composed of three members who will conduct a three step evaluation of the Applicant’s response to each Element of the

Capability Statement, Technical Approach, and Quality Control Plan.

A REFERENCE TEAM Member will contact the owner or management agent and HUD staff references by telephone. They will ask each contact the same questions and record the responses. The rating points for each reference will be added to TEP TEAM rating points for the Capability Statement to arrive at the final points for the Capability Statement.

The TEP TEAM will evaluate and assign rating points to all of the Elements in the Technical Approach and Quality Control Plan. The TEP TEAM members will individually review the Applicant’s response to each Element as follows:

- A. Step 1: Determine if the response complete—does it address every component of the Element (see example below)?
- B. Step 2: The response, taken as whole, demonstrates that the Applicant has
  - (a) the required experience (Capability Statement),
  - (b) a sound approach to managing, administering, performing, and processing each Element (Technical Approach), and
  - (c) effective internal control procedures (Quality Control Plan).

EXAMPLE: Response to the Element is Complete

TECHNICAL APPROACH Element 4: Applicant must demonstrate a sound technical approach to information and information system **access, management, and security** for **HUD Systems** (i.e., Tenant Rental Assistance Certification System (TRACS), Integrated Real Estate Management System (iREMS), Enterprise Income Verification (EIV) system), **non-HUD Information Technology Systems that contain program related data**, and **print-based program documents**.

The components are **access, management, and security** for

- HUD Systems
- Non-HUD Information Systems that contain program related data
- Print-bases program documents

The TEP TEAM members will compare their individual evaluations and arrive at a final rating score for the Element.

The rating scores for each element will be used to arrive at the total points for the Capability Statement (maximum 100), Technical Approach (maximum 100), and Quality Control Plan (maximum 100). The total points for each will be weighed by the percentage specified in the Invitation: Capability Statement 30%, Technical Approach 35%, and Quality Control Plan 35%. The result will be the final score for the Application. This final score will be ranked among all other Applications for the State. Then, the proposed Basic Administrative Fee Percentage for the highest ranked Applications will be considered in the selection of the awardee.

12.

Q: As of Feb. 28, 2011 (date of Invitation release), the Portfolio of All Active Project-Based Section 8 Contacts database, which was last updated on 12/10/10, identifies the total number of active units as 1,234,135. For purposes of this application submission, we are proceeding using the unit count from the 12/10/10 update. If this is not acceptable, please provide the most recent database numbers.

A: All applicants should be utilizing the information posted on Portfolio of All Active Project-Based Section 8 Contacts database dated 12/10/10.

13.

Q: In past Invitations, the minimum font size requirement did not apply to tables and/or figures as long as they were legible. Is this an acceptable interpretation for this invitation as well?

A: All documents provided in the Invitation for Application proposal should be using 12 pt font size.

14.

Q: Will HUD publish receipt of how many bids they receive for each state, listing name of applicant?

A: Yes, after the awards are announced, we will post this information on HUD's Section 8 contract administration website.

15.

Q: We have discovered a discrepancy in the property and unit count numbers between the actual numbers and the Active Section 8 Project Based Contracts that are posted at <http://www.hud.gov/offices/hsg/mfh/rfp/sec8projbasedconts.cfm>

The website is missing some addition and withdrawals.

Which numbers should we use in the application submission?

A: The two links on the referenced website, (1) Assigned Section 8 contracts and (2) Portfolio of all Active Section 8 Project Based Contracts represent the potential Section 8 project portfolio that could be assigned to a PBCA versus the Section 8 projects currently assigned to a PBCA as of 12/10/10 respectively. Applicants should be using the Portfolio of all Active Section 8 Project Based Contracts database.

16.

Q: The posting announcement states six documents shall be submitted to the Invitation. Can the application include any Appendices to include charts that support the narrative approach? Can resumes be included as an Appendix, or will that not be reviewed in this application?

A: The use of charts, appendices etc is not prohibited however inclusion of these documents will be counted as part of the page limitations for the applicable factor.

17.

Q: There are two ACC's for the State of California, do applicants for the state of California need to provide two proposals or one.

A: There will be one PBCA for the state of California therefore any interested applicants will need to provide one proposal. The PBCA for that state will be executing two PB-ACCs which will be overseen by both of the HUD California Hubs, Los Angeles and San Francisco.

18.

Q: Are there any restrictions determining the presence of, or information provided in a cover letter?

A: Yes, as detailed in the invitation, Section 3.3.3, Technical Approach, page 15 “The cover sheet shall specify the title of the document, identify the PHA submitting...”

19.

Q: Is State Code, as used throughout the Invitation, the 2-letter postal code?

A: Yes. The two letter State postal code must be used. Official USPS Abbreviations URL: [http://www.usps.com/ncsc/lookups/usps\\_abbreviations.html](http://www.usps.com/ncsc/lookups/usps_abbreviations.html)

20.

Q: Is it HUD’s requirement that the individual pdf files referred to earlier in the invitation (technical approach, capability statement, disaster plan, etc.) are to be attached to the application email as individual pdf files, titled as directed, or combined into a single pdf file attached to the application email, along with the individually named files?

A: Six separate PDF files, each with the required file name format, are to be attached to the Application email. Submission of one PDF file containing six documents will result in rejection of the Application. The Subject Line description for the Application email and the file name requirement for each file is specified in the Invitation. HUD’s email system limits the total size of attachments to 6MB or approximately 300 pages of text. In the event that the Applicant cannot transmit all six files attached to one email, the Invitation specifies that the Subject Line for each Application email indicate the number of each transmittal and the total number of transmittals, e.g., “State Code, PHA Complete Name, Application, Transmittal 1 of 2.”

21.

Q: Does HUD have a proposed form or format for the RLO it is seeking?

A: The proposed format for the RLO is described in the invitation for application in Sections 2.1 and 3.3.5.

22.

Q: Sections 2.1 and 2.6 of the Invitation require “a SL to be enclosed with the RLO.” In the SL, does the signatory give or address the SL to the signatory of the RLO or directly to HUD?

A: The signatory will give and address the SL to the signatory of the RLO which will then be submitted to HUD as part of the invitation for application.

## 2.1 Reasoned Legal Opinion

## 2.3 PHA Type

23.  
Q: We interpret this requirement for the corporate charter to apply to the Articles or Certificate of Incorporation filed with the Secretary of State. For all other organizational documents, we interpret this to mean the By-Laws. Are these interpretations correct? If not, please provide further explanation as to what the corporate charter and all other organizational documents would entail.  
A: Any applicable document that the geographic service area could use to support the requirements as stated in Section 2.4 Required Elements of Reasoned Legal Opinion for a Government Entity

2.5 Required Elements of RLO for an Instrumentality

24.  
Q: Under 2.5 (6), the Invitation requires a showing that “*the instrumentality entity was created under a statute that explicitly authorizes entities created there under to operate throughout the entire State in which the entity proposes to serve as PBCA or that evidences a legislative intent for such entities to have such authority*”. Our statute does not explicitly authorize an entity created there under to operate throughout the entire State but rather uses more general language: “[E]very corporation has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, including without limitation power: To conduct its activities, locate offices, and exercise the powers granted by this chapter within or without this state.” Is this language adequate?  
A: The definition must conform to Section 2.5 Required Elements of Reasoned Legal Opinion for an Instrumentality Entity. Legal interpretation of authorizing language would need to be provided by the applicants representing counsel.

3.1 Service Area Designation

25.  
Q: Please clarify whether or not an entity can submit a bid that would cover more than one state.  
A: An applicant may submit a proposal for more than one state. Separate bids will be required for each geographic service area as stated in Section 3.1, Service Area Designation.

3.2 Limitation on the Total Number of Covered Units Administered by PHA and Sub

26.  
Q: Should our budgets be based on "active units" rather than assigned units?  
A: The PHA will develop its budget based on direct and indirect costs and formulate its basic administrative fee amount based on total cost plus some amount for general overhead and profit. To arrive at the Basic Administrative Fee Percentage, the total amount should be divided by the annual per unit per month amount for two-bedroom FMRs for each State as published in the “Portfolio All Active Section 8 Project Based Contracts” available at URL: <http://www.hud.gov/offices/hsg/mfh/rfp/sec8projbasedconts.cfm>

For example, if the PHA’s total costs plus overhead and profit is \$2, 200,000 per year and the annual per unit per month amount for two-bedroom FMRs for the State is \$100,000,000, the proposed Basic Administrative Fee Percentage will be 2.20%. The PHA does not submit its budget or cost estimates or overhead and profit calculations to HUD. It only submits its proposed Basic Administrative Fee Percentage in its Application Certification.

3.3.1.1 PHA Certification

27.  
The Executive Director of the PHA must certify that the information provided in the Application is true and correct. The PHA Certification portion shall be on PHA letterhead. Each page must be printed on a single side of an 8 1/2 x 11 sheet of paper using a standard 12-point font.  
Q: Are there other formatting requirements such as line spacing or margin settings?  
A: All formatting requirements are as stated in the Invitation for Application.

28.  
Q: Where do we put the price? Is it covered under PHA Certification #8?  
A: The proposed Basic Administrative Fee Percentage is specified by the PHA in Section 3.3.1.1 PHA Certification, number 8.

29.  
Q: If the application is being submitted by an instrumentality entity, should  
The “Name of Entity” is stated as PHA Parent Entity name dba Instrumentality Entity name?  
A: Name of the entity that will act as the PBCA.

30.  
Q: If the application is being submitted by an Instrumentality Entity, can any of the following sign the certification on behalf of the Instrumentality Entity:  
- the Executive Director (or similar position such as CEO, President) of the PHA Parent Entity  
- the Board Chair of the Instrumentality Entity  
- the Executive Director (or similar position such as CEO, President) of the Instrumentality Entity  
If not, please clarify the signature you would like to see on the certification from the Instrumentality Entity.  
A: The executive officer of the instrumentality that will act as the PBCA representative.

31.  
Q: If the application is being submitted by an instrumentality entity, should the PHA Certification use the instrumentality entity’s letterhead or the parent entity’s letterhead?  
A: Yes, the instrumentality’s letterhead

**A SUMMARY ANSWER TO THE FOLLOWING FTE RELATED QUESTIONS BEGINS ON PAGE 11**

32.  
Q: Please provide additional clarification on how to complete the Full-Time Equivalent (FTE) Certification to account for staff that performs some of the tasks under multiple PBTs. For example, on PBT #3, we use multiple levels of management review to process the monthly vouchers. One staff processes the voucher and tenant data, a supervisor reviews the voucher submission and grants approval for payment, and accounting staff reviews and verifies the voucher submission before disbursing the funds.

positions, then the total for some of the PBTs and the Grand Total of FTEs will not equal a whole number of employees.

- 1) To ensure that all Applicants interpret HUD’s request the same, how does HUD define “managing, supervision, and performing each PBT”? Depending upon the applicant’s implementation model, Quality Assurance staff both manages and supervise the work performed by line staff. Should these resources be included?
- 2) If a FTE position at a PHA works 1,950 hours per year rather than 2,080, should the PHA’s FTE be adjusted to .9375 FTEs?
- 3) Should resources required to perform PBT 7 and PBT 8 be included?

*1. First paragraph states “For each PBT, identify the positions by title responsible for managing, supervision, and performing each PBT.”*

Question: What if the FTE, as a percentage of their job duties, perform two PBT’s? Should the PBCA list each FTE to where it equals one or prorate based on the time spent on each PBT?

FTE certification does not include a signature block. Is a signed FTE certification required for the proposal submission? If so, will a revised certification template be provided for submission with the proposal?

To address each PBT, and the necessary requirements to describe our experience managing, and performing each PBT etc. , would HUD consider “exhibits” separate from the page count?

Additional clarification requested on required details to address Elements 1 and 4?

Is the subcontractor certification **only** required when a subcontractor is performing 50% FTE or more for Tasks One through Six combined or performing 50% FTE or more of an individual task? **For Example:** If a Service Bureau performs over 50% FTE of task number 3 but does not perform any other tasks would a subcontractor certification be required (assuming the service bureau is performing less than 50% FTE of all tasks combined)?

3.3.1.3 Subcontractor Cert

The PHA shall submit a FTE Certification that identifies the FTEs required to perform the PBTs numbers one (1) through six (6) as specified in Exhibit A of the ACC for the first twelve (12) month period of the ACC Term. For each PBT, identify the positions by title responsible for managing, supervision, and performing each PBT. Include the FTEs for PHA and sub-contractor employees. Only include sub-contractors that contract directly with the PHA. Do not include sub-contractors of sub-contractors. Please clarify our understanding of how HUD will apply the unit limit based on the following scenarios.

EXAMPLE 1:

PHA has 15 FTEs performing PBTs 1 through 6.



PHA’s subcontractor, ABC Company, has 8 direct FTEs performing tasks 2 and 3.

PHA’s subcontractor’s (ABC Company) has a subcontractor (DEF Company), which has 20 direct FTEs performing PBTs 1, 4 and 6.

Questions:

Under the above example:

1. If DEF Company’s 20 direct FTEs do not count at all (since they are a subcontractor of a subcontractor), either on their own or as part of ABC Company’s (the main subcontractor) FTEs in the chart, then the FTE schedule would not accurately reflect the total staffing levels for each PBT. Nor would the FTE Schedule reflect the total FTEs required to perform all six PBTs combined. In this case, for instance, the schedule will not show any FTEs for PBTs 1, 4 and 6. Is this correct or should the FTEs of DEF Company (the subcontractor of the subcontractor) be included in the respective PBT columns as part of ABC Company’s (the primary subcontractor) to the PHA) FTEs?
2. If DEF Company’s 20 direct FTEs are not to be included in the FTE schedule because they are a subcontractor of a subcontractor, DEF Company, despite the fact that they perform most of the work as reflected in their FTEs, will not be subject to any unit limitation. Is this HUD’s intent and is this interpretation correct?
3. ABC Company, the primary subcontractor, is technically and legally responsible for the performance of PBTs 1, 2, 3 4, and 6, either through its own staff or through the staff of its subcontractor, DEF Company. If the FTEs of DEF Company (subcontractor of a subcontractor) are not counted, would the total FTEs for all PBTs be only 23 (as opposed to 43 if you include DEF’s direct FTEs)? Would ABC Company’s (the primary subcontractor) be reflected only as 8 FTEs? Would ABC Company’s FTE percentage be only 34.7% (8 out of 23) and therefore not be subject to the unit limitation?

If HUD’s intention is to prevent a “too big to fail” scenario from occurring and prevent workarounds to the unit restriction, shouldn’t HUD require that the FTEs of DEF Company (subcontractor of the primary subcontractor) be calculated as part of ABC Company’s (main subcontractor) FTEs and thus the percentages for calculating the FTEs subject to the unit limitation? Please clarify.

EXAMPLE 2:

Page 10 of the Invitation for Submission of Applications states that “Certain sub-contractors may be engaged by PHAs to perform services under separate Applications to this Invitation where the subcontractor provides fifty (50) percent or more of the full-time equivalent (FTE) employees required to perform PBT numbers one (1) through six (6) as specified under the Statement of Work in the ACC. **We wanted to clarify that for purposes of calculating the 50% or more thresholds, HUD is referring to 50% of the total FTEs of all entities combined for all PBTs combined.**

The chart below was taken from Pages 12 to 13 of the Invitation to illustrate the FTEs and percentage of FTEs for a particular state for the purpose of determining whether or not this state’s units will count towards the unit limitation of a particular entity.

FTEs	Total FTEs	PHA FTEs	Subcontractor #1 FTEs	Subcontractor #2 FTEs
PBT #1 Total	10.0	2.0	8.0	0.0
PBT #2 Total	2.5	0.5	2.0	0.0
PBT #3 Total	2.5	0.5	2.0	0.0
PBT #4 Total	13.0	4.0	0.0	9.0
PBT #5 Total	5.0	5.0	0.0	0.0
PBT #6 Total	3.0	2.0	0.5	0.5
Grand Total FTEs	36.0	14.0	12.5	9.5
% of Grand Total FTEs	100%	38.88%	34.7%	26.39%

**Question:**

**Based on the chart above, it appears this state will not count towards the total unit limit for Subcontractor A or Subcontractor B. Please confirm.**

**Additional Questions:**

- If the PHA subcontractor contracts with a voucher or other sub-contractor and these hours are excluded how they can demonstrate that they have the proper number of FTEs to perform the PBT and also how can HUD determine their ability to perform the PBTs if the staff positions and FTEs are not identified.
- How should FTEs that perform hours in connection with more than one PBT be reflected in the FTE Certification?
- Is it correct that Administrative support personnel and IT support personnel will be excluded from the FTE certification?
- How should FTEs that perform hours in connection with Company or Home Office Management or Quality Control be reflected in the FTE Certification?

Are there formal certification forms for this section or is the applicant to create the certifications on their company letterhead?

Does the 50% limitation apply to each individual PBT 1 through 6, or to the Grand Total? For example, we currently have a subcontractor for processing Monthly Vouchers (PBT #3). They utilize 4.21 FTE's for PBT #3.

As PBCA we have a total of 15 FTE's for all PBTs, and utilize 1.8 FTE's for PBT #3. Thus, our subcontractor would exceed the 50% limitation for PBT #3 alone, but would not exceed the Grand Total limitation.

Would the sub-contractor in this situation need to complete the Sub-Contractor Certification?

Please confirm that a subcontractor that provides less than fifty (50) percent of the FTE employees required to perform PBTs Numbers one (1) through six (6) are not required to submit a Sub-Contractor Certification. (Example, if a subcontractor provides 2 FTE to perform 50% of only PBT 1, they would not have to submit a Sub-Contractor Certification.)

**SUMMARY ANSWER TO ABOVE FTE RELATED QUESTIONS**

A. The FTE Certification answers the question, “How many FTEs does it take to manage, supervise, and perform each PBT and all PBTs numbers one (1) through six (6)?” This includes PHA employees, sub-contractor employees, sub-contractors of sub-contractors employees, and so on. For this analysis, only PHA level and PHA direct sub-contractors level FTEs are reported. PHA direct sub-contractors must roll-up all of the FTEs from all sources that they are delivering to the PHA to complete the PBT.

1. For each PBT, identify the positions by title responsible for **managing, supervision, and performing** each PBT.

These positions are directly involved in planning, coordinating, initiating, conducting, completing, closing-out, and ensuring (quality control) that the task was completed and performed as required.

2. Include the FTEs for PHA and sub-contractor employees. **Only include sub-contractors that contract directly with the PHA. Do not include sub-contractors of sub-contractors.**

All FTEs required to perform all or any portion of the managing, supervising, and performing the PBT must be accounted for in the FTE Certification. The provision “Do not include sub-contractors of sub-contractors” is not meant to exclude the FTEs of sub-contractors of direct sub-contractors.

The direct sub-contractor of the PHA is expected to provide specified services related to the PBT. This requires the identification of the positions

and the number of FTEs for each position. There is no need to create a sub-list in the FTE Certification of sub-contractors to the direct sub-contractor. The direct sub-contractor does not need to disclose or detail exactly how it will acquire and deliver those FTEs (e.g., employees, sub-contractors).

For example, the PHA does not have any employees manage, supervise, or perform the PBT. The PHA sub-contracts directly with ABC Company to manage, supervise, and perform the PBT. ABC Company is accountable to the PHA for the full performance of the PBT and must report all of the FTEs required to fully perform the PBT.

ABC Company must report every FTE required to perform the PBT whether its employees or employees of other entities it engages (i.e., sub-contractor of the direct sub-contractor) manage, supervise or perform the PBT.

If the PHA sub-contracts directly with two subcontractors to perform a portion of managing, supervising, and performing the PBT, the FTEs of the each of the sub-contractor’s employees and/or sub-contractor of sub-contractor employees must be included under each of the sub-contractors (Sub-contractor #1, Sub-contractor #2) FTEs for the PBT.

3. One (1.00) FTE is defined as 2,080 work hours per year. The FTE Certification shall be in the following format:

The calculation and allocation of FTEs should be based on reasonable estimates of an employee’s annual contribution to the performance of a PBT based on the employee’s assigned primary duties related to the PBT.

The FTE Certification accounts for two decimal places: 1.00. An employee who routinely spends two (2) hours per month working directly on a task related to the PBT would represent 0.01 FTE per year. This is the smallest allocation that needs to be accounted for in the FTE Certification.

Assume a PHA employee is involved in the performance of all six (6) PBTs. The employee’s position title will be listed under all six (6) PBTs and the amount of time that the employee allocates to each will be some fraction of one (1.00) FTE. The allocation can be based on actual hours or a reasonable estimate of the percentage of time allocated annually.

	Allocation	Hours/Year	FTE
PBT #1	10%	208	0.10
PBT #2	20%	416	0.20
PBT #3	10%	208	0.10
PBT #4	20%	416	0.20
PBT #5	10%	208	0.10
PBT #6	30%	624	0.30
	100%	2080	1.00

PBT's 7 and 8 are not included in the FTE Certification because they are not directly related to the administering HAP Contracts.

The 50% or more of FTEs requirement for sub-contractor certification applies to the Grand Total of FTEs for all six PBTs. The FTE Certification does not require the calculation of the percentage of FTEs for each PBT, only the Grand Total for all six PBTs.

33.

Q. Is it correct that Administrative support personnel and IT support personnel will be excluded from the FTE certification?

A. Company or Home Office administrative support (e.g., finance, accounting, human resources) and IT support personnel FTEs should not be allocated to the PBTs and not recorded in the FTE Certification. Only FTEs that manage, supervise, and perform the PBT are recorded in the FTE Certification. If the positions that manage or supervise performance of the PBT routinely perform quality control tasks or reviews, the time required to perform these tasks should be included in the FTEs for applicable position.

34.

Q. Item (7) on page 11 of the Invitation to Bid indicates that the Sub-Contractor Certification only has to list the states for which the Sub-Contractor is performing fifty (50) percent or more of the FTE employees required to perform PBT one (1) through six (6). Item (10) on page 11 of the Invitation to Bid indicates the percentage of total number of units for all States from item (9) divided by the total number of units for active Section 8 Project-based Contracts in the Portfolio of Section 8 Project-Based Contracts (not to exceed 33%).

Questions:

- With regards to the 33% limit noted please confirm that the number for the limit is currently 407,264 units.
- If the number of active Section 8 Project-Based Contracts changes between now and April 28, 2011 and/ or October 1, 2011, will that change the limit?
- A. 33% of the "Portfolio all Active Project Based Section 8 Contracts" is 407,264.55 units. Rounded up, it is 407,265 units. The total number of units, 1,234,135, is used for purposes of the calculating the unit limitation for the Invitation. If the total number of units changes in the future, it will impact the unit limitation.

35.

Q: Can the references for Element 2 be on a separate sheet from references for Element 3 and can they be in chart form?

A: Section 3.3.2, Capability Statement excludes the cover sheet and contact information for references information from the total page count.

36.  
Q: If there is a public/private partnership between PHAs and other public/private entities, can more than 2 HUD references be given?  
A: No additional references will be accepted.

37.  
Q: If there is a public/private partnership between PHAs and other public/private entities, can more than 3 owner references be given?  
A: No additional references will be accepted.

38.  
Q: Sections 3.3.2 and 3.3.3: The former section asks for the applicants “capability” to perform the tasks and the latter “technical” ability to perform the tasks. Element 4 of the former and Element 1 of the latter both ask the applicant to describe how they “manage and perform” each of the PBTs. Could you please clarify the difference between the two?  
A: The capability section is asking for information on the applicants past experience related to multifamily, contract administration and rent subsidy programs whereas the technical section is requesting information on how the PBCA will perform the tasks under the ACC going forward.

39.  
Q: Is the Capability section focused on the applicant’s knowledge/skill level or on how many times the actions were performed over the past five years?  
A: This section is focused on the applicant’s knowledge/skill level within the last five years.

40.  
Q: Section 3.3.2—Capability Statement: Is a Table of Contents required here, as in other Sections.  
A: No

3.3.2 Capability Statement

41.  
Q: HUD states “The applicant is to provide a narrative response for each of the elements”. Can an applicant augment the narrative with workflows, charts and tables?

3.3.3 Technical Approach

A: Yes, however, all documentation submitted will be counted against the page limitation as stated in each factor.

42.  
Q: Can charts that support the narrative approach be included in an Appendix?

A: Yes, however, all documentation submitted will be counted against the page limitation as stated in each factor including charts, graphs, resumes, appendices.

43.

Q: The Invitation states that narratives must be supplied for each of the elements in the Capability Statement, Technical Approach and Quality Control Plan. Can an applicant insert graphs/charts/etc into the body of these sections in other font sizes? Or must all graphs/charts/etc also be in 12 point font?

A: All documents submitted in the proposal must be in 12 pt. font.

44.

Q: Paragraph 3 of each section states *“Each page must be printed on a single side of an 8 ½ x 11 sheet of paper using a standard 12-point font.”*

Comment: The page restrictions/ font size requirements are problematic in order to meet the requirements of the Invitation for Bid (IFB). The PBT section of the ACC alone is 22 pages at a 12-point font (which we are asked to base much of our Capability Statement, Technical Approach, and Quality Control Plan on). It will be extremely difficult to provide a complete response to the 22 pages of requirements of the ACC and all other Elements and still have room to answer non-PBT specific requirements in the proposal. Additionally, many of the sections within the IFB requirements are duplicative in nature, requiring repetitive language throughout the proposal.

Question: Considering this, will HUD allow any or all of the following:

- 10-point font
- Increased page limitations by section
- If a section in the IFB is duplicative in nature, can we refer the reviewer to a previous or future section, rather than taking up precious space within the proposal?

A: HUD will not allow documents submitted in 10 pt. font or allow an increased page limitation. In order to receive consideration for each element under each factor, the applicant will have to respond to each of the elements for each factor.

45.

Q: Paragraph 4 of each section details the file format for the submission. Can the PHA send all documents required for the submission for each state in a zip file format? If not, can HUD disclose the size limitation imposed by HUD’s email system so that the PBCA can plan individual submissions accordingly?

A: HUD will not accept zip files. Six individual PDF files are to be attached to the Application email. The Subject Line description for the Application email and the file name requirement for each file are specified in the Invitation. HUD’s email system limits the total size of attachments to 6MB or approximately 300 pages of text. In the event that the Applicant cannot transmit all six files attached to one email, the Invitation specifies that the Subject Line for each Application email indicate the number of each transmittal and the total number of transmittals, e.g., “State Code, PHA Complete Name, Application, Transmittal 1 of 2.”

Sections 3.3.2, 3.3.3, 3.3.4, 4.1, 4.2, and 4.3

3.3.5 Reasoned Legal Opinion

46.

Q: Does HUD have a prescribed format for submission of the Reasoned Legal Opinion?

A: The required information is detailed in Section 2.1, Reasoned Legal Opinion and 2.4 and 2.5 as applicable

47.

Q: Does HUD have a required certification document for submission of the Reasoned Legal Opinion?"

A: The required information is detailed in Section 2.1, Reasoned Legal Opinion and 2.4 and 2.5 as applicable

48.

The Reasoned Legal Opinion (RLO) portion of the application must establish the applicant's legal eligibility to perform as a contract administrator by submission of an RLO, any FUL that HUD requires after reviewing the RLO, and, if applicable, a SL, as provided in Sections 2.1

Q: In cases where a required element or document is not applicable, should the applicant affirmatively state as such?

A: HUD recommends responses that are explicit and provide sufficient detail

49.

Q: Does the Reasoned Legal Opinion (RLO) need to be submitted to HUD prior to the Application Due Date?

A: No, the RLO must be submitted along with the other required Application files.

50.

Q: Will HUD's review of the RLO be conducted concurrently with HUD's review of the Application as a whole?

A: Yes

51.

In Section 2.4(2), and again in Section 2.5 (4), a reference is made to the eight (8) PBT's identified in "Section 4" of Exhibit A in the ACC.

Upon review of Exhibit A of the ACC, it appears that the 8 PBT's are specified in "Section 3" of Exhibit A in the ACC, not in Section 4.

Q: Can you confirm that the reference should be to the 8 PBT's identified in Section 3 of Exhibit A in the ACC? If not, please provide further clarification.

A: Yes, the references regarding 8 PBTs are in Section 3 of Exhibit A of the ACC.

52.

Reasoned Legal Opinion (RLO): Page 5 of the Invitation for Submission indicates that the RLO, "must include proper citation to any codified provisions on which the analysis relies. A legible copy of each such provision...must [be] included with the RLO."

Q: When providing a copy of each provision, does an excerpt from the document suffice, or does HUD want the PHA to submit the entire document that contains the provision(s)?

A: The entire document should be submitted for content and context.



53.

In a number of different places in the discussion of the Reasoned Legal Opinion for an Instrumentality Entity, the Invitation indicates that the Instrumentality Entity’s organizational documents must “explicitly” authorize the Instrumentality Entity to take certain action (§§ 2.5(2), (5), (7)) or “explicitly” confer certain rights on the Parent Entity (§ 2.5(3)).

Q: What does “explicitly” mean? For example, Invitation § 2.5(3) (b) requires the Instrumentality Entity’s organizational documents to “explicitly confer the right on the parent entity (or on each such entity) to . . . authorize the instrumentality entity to execute the ACC with HUD; with citation to such specific provision(s).” Jeff Co’s organizational documents do not use the term “annual contributions contract” anywhere, much less specifically give the Authority a veto right over Jeff Co’s entering into an ACC with HUD. However, Jeff Co’s Articles of Incorporation require the Authority’s prior approval of “[e]ach project to be undertaken by the Corporation and the projected expenditures of the Corporation.” If the Reasoned Legal Opinion states that this provision of Jeff Co’s Articles gives the Authority the right to authorize Jeff Co’s execution of an ACC with HUD, is that sufficiently “explicit”?

A: The definition of explicit provides that the response is free from vagueness, ambiguity and is fully developed in terms of the response.

54.

In the proposal the acronym SOW is referenced only once, but the SOW is not included. Is the former SOW replaced by “PHA Responsibilities”, or will an SOW be provided?

SOW is used in the column title for Column 2 on page 49, but it does not describe the specifics for compliance as in the former SOW.

In the first paragraph under 3.3.4 it references SOW, however in the ACC it’s referred to as the PHA Responsibilities. Will a SOW be provided that is different than the PHA Responsibilities?

A. The following references to a **Statement of Work** in the **Invitation** are deleted (see strikethrough). Exhibit A, Section 3 of the ACC specifies the Performance Based Tasks.

**3.2. Limitation on the Total Number of Covered Units Administered by the PHA and Serviced by Certain Subcontractors**

A PHA may submit Applications for multiple States under this Invitation. The total number of Covered Units for all Applications submitted by a PHA shall not exceed thirty-three (33) percent of the total number of units in the Portfolio of All Active Project-Based Section 8 Contracts as published by HUD at the following Uniform Record Locator (URL): <http://www.hud.gov/offices/hsg/mfh/rfp/sec8rfp.cfm>. If the sum of the total number of Covered Units for all Applications exceeds thirty-three (33) percent, all Applications submitted by the PHA will be rejected.

Certain sub-contractors may be engaged by PHAs to perform services under separate Applications to this Invitation where the sub-contractor provides fifty (50) percent or more of the full-time equivalent (FTE) employees required to perform PBT numbers one (1) through six (6) as specified in Exhibit A, Section 3 of ~~under the Statement of Work in the Annual Contributions Contract~~. The total number of Covered Units for Applications for which such a sub-contractor is engaged shall not exceed thirty-three (33) percent of the total number of units in the Portfolio of All Active Project-Based Section 8 Contracts. If the sum of the total number of Covered Units for such a sub-contractor exceeds this unit limitation, the Applications for all PHAs engaging that sub-contractor will be rejected.

### 3.3.1.3 Sub-Contractor Certification

7. List all States, beginning with the State and PHA for which this Application is submitted, that the sub-contractor has entered into an agreement with a PHA submitting an Application to this Invitation to provide fifty (50) percent or more of the FTE employees required to perform Performance-Based Tasks one (1) through six (6) as specified in Exhibit A, Section 3, of ~~under the Statement of Work in the~~ Annual Contributions Contract. The list shall include the Name of the State, Name of PHA, number of active Section 8 Project-Based Contracts for each State and the total number units for all active Section 8 Project-Based Contracts for all listed States:

### 3.3.4. Quality Control Plan

The Quality Control Plan portion of the application should exhibit the applicant's ability to design, manage, and monitor the internal controls required to ensure quality performance of the ACC and the PBTs described in Exhibit A, Section 3, of the ACC. ~~under the SOW.~~ The Quality Control Plan is a factor for award. Section 4, Factors for Award, details the seven (7) "Elements" that the applicant must address in the Quality Control Plan.

### 3.3.6. Disaster Plan

The Disaster Plan Certification shall include:

This is to certify that I have reviewed the disaster plan for this organization and, if applicable, subcontractors that perform services that provide fifty (50) percent or more of the full time equivalent (FTE) employees required to perform PBTs Numbers one (1) through six (6) as specified in Exhibit A, Section 3 of ~~under the Statement of Work in the~~ Annual Contributions and to best of my knowledge and belief:

The following references to a **Statement of Work** in the **ACC** are deleted. Exhibit A, Section 3 of the ACC specifies the Performance Based Tasks.

## SECTION 1: DEFINITIONS

PERFORMANCE-BASED SERVICE CONTRACT (PBSC). The Performance-Based Service Contract is based on the development of a ~~performance-based Statement of Work which defines the~~ Performance-Based Tasks in measurable terms with established quantitative and qualitative performance standards and review methods to assure quality performance of the work.

PERFORMANCE-BASED TASK (PBT). A functional task that a Public Housing Agency must perform as described in the ~~Statement of Work (Exhibit A, Section 3 4)~~ in accordance with the requirements of the Performance-Based Annual Contributions Contract and regulations, handbooks, forms, notices, and guidance issued by the United States Department of Housing and Urban Development.

**ACC, EXHIBIT A, SECTION 5. PRS**

2. Column B: PBT title and reference to Section Number in Exhibit A to the ACC;

PRS TABLE						
A	B	C	D	E	F	G
PBT #	SOW PBT TITLE & SECTION NO. IN EXHIBIT A TO THE ACC	AQL	ALLOCATION PERCENTAGE	DISINCENTIVE DEDUCTION	QA METHOD	ASSESSMENT & PAYMENT FREQUENCY

**ACC, EXHIBIT A, SECTION 7. QCP**

When changes in the QCP occur, the QCP shall be updated and a copy shall be provided to the CAOM. The PHA QCP must address each the following elements and highlight changes.

- For each PBT, describe the internal control procedures that will be implemented to ensure that performance is maintained at the AQL specified in the SOW PRS, Exhibit A, Section 5.

**A SUMMARY ANSWER TO THE FOLLOWING DISASTER PLAN QUESTIONS BEGINS ON PAGE 22**

55.

3.3.6 Disaster Plan

Does a Certified Business Continuity Professional designation qualify or does the person certifying the plan have to be from an emergency management agency?

This section states: “The PHA shall provide HUD a PHA Disaster Plan Certification, on PHA letterhead, executed by a Disaster Plan Coordinator who meets the requirements of the State emergency management agency to develop, manage, and test disaster, continuity of operations, or emergency management plans for State agencies.”Our State does not have specific requirements of the State emergency management agency to develop, manage, and test disaster, continuity of operations, or emergency management plans for State agencies. FEMA officials have indicated that a Disaster Plan Coordinator is open to a range of different certifications. In the absence of a state requirement, would a professional holding FEMA’s Professional Continuity Practitioners Certification, meet HUD’s requirements for certification of the PHA Disaster Plan?

What are the qualifications a Disaster Plan Coordinator must have to meet requirements at the Federal and State levels? Can a PHA self-certify for their disaster plan? Does the applicant have to certify that the plan has been tested or that the plan will be tested within twelve months of award?

The PHA shall provide HUD a PHA Disaster Plan Certification, on PHA letterhead, executed by a Disaster Plan Coordinator who meets the requirements of the State emergency management

Agency to develop, manages, and test disaster, continuity of operations, or emergency management plans for State agencies. The Disaster Plan Coordinator must attach a qualifications

Statement or resume to the certification.

Does a Certified Business Continuity Professional designation qualify or does the person certifying the plan have to be from an emergency management agency?

Regarding Section 3.3.6 (page 18) and Exhibit D (page 58):clarification of the two citations noted above relating to whether a Disaster Plan must be tested within the next 12 months (see page 18), or must be operational now and have been tested within the last 12 months.

Who should sign the Disaster Plan Certification? Should it be the disaster plan coordinator in our agency or someone outside of our agency that works with us on the disaster plan?

The invitation states that the PHA shall provide HUD a PHA Disaster Plan, on PHA letterhead, executed by a Disaster Plan Coordinator who meets the requirements of the State emergency management agency to develop...for state agencies. If you have multiple locations, does there have to be a certification specific to each state's emergency management agency requirements? Can one certification from the home state suffice for all locations?

The State emergency management agency does not state "requirements" but rather offers or suggests certain FEMA & Homeland Security courses to take. If an individual has taken these "recommended" courses, are they qualified to sign as the Disaster Plan Coordinator?

Section 3.3.6 requires that the Disaster Plan Coordinator must meet the requirements of the State emergency agency. Certain states do not review and or approve these types of plans, however. The Disaster Plan Coordinator also must attach a list of qualifications within a statement or a resume. HUD does not provide any guidelines or requirements for these qualifications. Please clarify the requirements or guidelines for a Disaster Plan Coordinator for those states which do not review or approve these types of disaster plans. Please let me know if you need additional information.

It is our understanding that most state emergency management agencies do not set minimum requirements or accredit Disaster Plan Coordinators. In order to satisfy the above requirement, will HUD accept a Disaster Plan Coordinator with a Certified Business Continuity Professional (CBCP) certification from the Disaster Recovery Institute?

Do the subcontractors to the PHA have to provide a Disaster Recovery Plan with the RFP or only provide a Disaster Recovery Plan to the PHA and have their

employees participate in the disaster plan training of the PHA?

Can you explain in greater detail the subcontractor requirements in connection with the Disaster Recovery Plan in connection with 1)the RFP response and 2)the ACC requirements?

In connection with the Disaster Recovery Plan, what if the PHA has operations in state one for certain PBTs and operations in state two for other PBTs what state requirement must be met by the PHA and its Disaster Plan Coordinator?

What if the PHA's subcontractor(s) staff is located in state one but also in state two and state three for the differing PBTs they maybe handling, what state requirement must be met by the PHA subcontractor(s) in connection the Disaster Recovery Plan?

What are the requirements of the Disaster Recovery Plan if the PHA subcontractor(s) performs services for more than one PBCA?

If the PHA or its subcontractor has a Disaster Recovery Plan that covers the entire agency and does not specifically cover the PHA required activities in connection with the ACC, does the PHA for the RFP have to submit a different Disaster Recovery Plan specifically covering the ACC requirements?

If the PHA or its subcontractor has a Disaster Recovery Plan that covers the entire agency and does not specifically cover the PHA required activities in connection with the ACC, does the PHA during its contract term have to have training specific to the Disaster Recovery Plan covering the ACC requirements.

To ensure that the appropriate person signs the Disaster Plan Certification (DPC), please clarify if HUD has any specific requirements as to the qualifications that the signee of the DPC must possess.

Many PHAs have state Disaster Plans that cover their activities. However, these plans do not certify the Disaster Plans of private sector subcontractors due the State's legal requirements. To meet HUD's certification requirement, can the private sector contractor have its Disaster Recovery Plan signed off by their corporate Disaster Recovery official?

Many PHAs nationwide do not have a dedicated Disaster Coordinator. Please confirm that we may use our qualified consultant to prepare and certify our Disaster Plan.

Please provide clarification on the criteria HUD will utilize to evaluate whether an entity's Disaster Plan Coordinator, "meets the requirements of the State emergency management agency..." Can the person within our agency who works in conjunction with the state's Homeland Security Emergency

Management administrator sign the certification?

Does the Disaster Recovery Plan submitted by the PHA need to be executed by a Disaster Plan Coordinator who is certified at the time of the Application? When is the “Disaster Plan Certification” submitted? Is it part of the Proposal or 60 days prior to the end of the first Contract year?

In reference to the Disaster Recovery Plan Certification, exactly what qualifications must the Disaster Recovery Plan Coordinator possess? Would a FEMA Emergency Management Institute Certificate of completion of courses IS-00546.a, IS-00547.a and IS-00548 with a certificate of “Continuity of Operations (COOP) Manager”, be adequate?

Disaster Plan Certification does not include a signature block. Is a signed certification required for the proposal submission? Will a certification template be provided for submission with the proposal?

Under Disaster plan (2) is says “all employees will participate in disaster plan training. Does this include all employees of the entity bidding, or is this specific to PBCA employees and those necessary to assure that the contract activities can continue if a disaster event occurs?

**SUMMARY ANSWER TO ABOVE DISASTER PLAN QUESTIONS**

- A. The PHA shall provide HUD a PHA Disaster Plan Certification, on PHA letterhead, executed by a Disaster Plan Coordinator who meets the requirements of the State emergency management agency to develop, manage, and test disaster, continuity of operations, or emergency management plans for State agencies. The Disaster Plan Coordinator must attach a qualifications statement or resume to the certification.
  - 1. The PHA Disaster Plan is PHA specific. It sets out exactly how the PHA will continue to administer the ACC and perform the PBTs in the event of a natural or human caused disaster. Elements of a State-wide continuity of operations, emergency management, or disaster plan may be appropriately incorporated into the PHA’s Disaster Plan but a State-wide plan may not substitute for the PHA specific Disaster Plan.
  - 2. The PHA Disaster Plan must ensure that facilities, systems, and staff are able to continue administering the ACC and perform the PBTs in the event of a natural or human caused disaster. If applicable, the facilities, systems, and staff of subcontractors that perform services that provide fifty (50) percent or more of the full time equivalent (FTE) employees required to perform PBTs Numbers one (1) through six (6) as specified in Exhibit A of the ACC must be incorporated in the PHA Disaster Plan because the PHA is ultimately responsible for continuing to administer the ACC and perform the PBTs.
  - 3. The Disaster Plan Coordinator may be a private-sector consultant, contractor, or State employee.
  - 4. The State emergency management agency may or may not set standards for who qualifies as an emergency management, continuity of operations, or disaster planning professional for the development, implementation, training, and testing of disaster plans for State agencies. Even if the State does not set standards, its emergency management staff may be able to recommend minimum qualifications for the PHA’s consideration in evaluating

Disaster Plan Coordinators.

A list of State Offices and Agencies of Emergency Management is available at <http://www.fema.gov/about/contact/statedr.shtm>

5. The State emergency management agency may maintain a list or have access to a list of professionals in the State who hold themselves out to be emergency management, continuity of operations, or disaster planning professional. For example, the State of Alabama Emergency Management Agency has a link on its Web site to the Alabama Association of Emergency Managers.
6. The PHA's Disaster Plan Coordinator does not need to reside in the State for which the PHA is submitting an Application and may serve as the PHA's Disaster Plan Coordinator in multiple States.
7. The Disaster Plan Certification submitted with the Application states that employees will be trained and backup plans and systems will be tested within the next twelve (12) months. The Disaster Plan Certification required by the ACC states that training and testing has occurred within the past twelve (12) months.
8. The Disaster Plan Certification submitted along with the Disaster Plan as part of the Application must be signed by the Disaster Plan Coordinator.
9. The purpose of requiring submission of the Disaster Plan Coordinators resume is to permit an evaluation of the Coordinator's education and experience, the combination of which should convince the PHA's leadership and HUD that this person can develop, manage, and test a disaster plan that will allow the PHA to continue to administer the ACC and perform the PBTs in the event of a natural or human caused disaster. The Invitation and the ACC have been edited as follows to clarify the education and experience requirement for the Disaster Plan Coordinator.

The PHA shall provide HUD a PHA Disaster Plan Certification, on PHA letterhead, executed by a Disaster Plan Coordinator who ~~meets the requirements of the State emergency management agency~~ has the education and experience to develop, manage, and test disaster, continuity of operations, or emergency management plans for State agencies. The Disaster Plan Coordinator must attach a qualifications statement or resume to the certification.

The following certifications and descriptions from the DRI Institute for Continuity Management may be useful in evaluating the education and experience of a Coordinator. Available at URL: <https://www.drii.org/certification/index.php>

#### **Certified Functional Continuity Professional (CFCP)**

The Certified Functional Continuity Professional is reserved for individuals who have demonstrated knowledge and working experience of greater than 2 years. They must be able to demonstrate practical experience in 3 of the subject matter area's of the Professional Practices.

[Learn More about CFCP](#)

#### **Certified Business Continuity Professional (CBCP)**

The Certified Business Continuity Professional is reserved for individuals who have demonstrated knowledge and working experience of greater

than 2 years. They must be able to demonstrate practical experience in 5 of the subject matter area's of the Professional Practices  
[Learn More about CBCP](#)

**Master Business Continuity Professional (MBCP)**

The Master Business Continuity Professional is reserved for individuals who have demonstrated knowledge and working experience of greater than 5 years. They must be able to demonstrate practical experience in 7 of the subject matter area's of the Professional Practices.  
[Learn More about MBCP](#)

The following certification from the International Association of Emergency Managers may be useful in evaluating the education and experience of a Coordinator. Available at URL: <http://www.iaem.com/certification/generalinfo/intro.htm>

IAEM created the Certified Emergency Manager® and Associate Emergency Manager Programs to raise and maintain professional standards. It is an internationally recognized program that certifies achievements within the emergency management profession.

Other educational resources for emergency management practitioners are provided by the Emergency Management Institute. Information available at URL: <http://training.fema.gov/EMI/>

For a listing of colleges and universities offering emergency management courses, certificates or degree programs, go to [The College List](#). Available at URL: <http://training.fema.gov/EMIWeb/edu/>

3.4 Application Submission

56.  
Q: The PHA Certification requires the applicant to certify based on unit counts posted published in the Active Section 8 Contracts posted on the HUD web-site. Will the active contracts list be updated from now until the submission due date or will these numbers remain fixed?  
A: The database will not be updated and the information contained therein will remain static.
57.  
Q: Do all units posted in the Active Section 8 Contracts list include TCA units which will be transferred into the new PBCA's portfolio? Or does this unit count provide a potential projection (and not a definite inventory) of what may be assigned to the new PBCA?  
A: The unit count is a potential projection based on the Section 8 Project Based Portfolio.
58.  
Q: Please explain how an applicant's proposed Basic Administrative Fee Percentage will be evaluated by HUD. In particular, how will HUD rate and rank each applicant's proposed Basic Administrative Fee Percentage and how will this evaluation relate to the Department's evaluation of the applicant's Factors for Award? Could an applicant be summarily disqualified if HUD disagreed with its proposed Basic Administrative Fee Percentage? In comparing



applicants, will HUD first consider the Factors for Award or the proposed Fee Percentages? If HUD rejects an applicant's proposed Basic Administrative Fee Percentage, will that applicant have a second chance to propose a different Fee Percentage?

A: After rating each Application for each State, the ratings will be ranked from highest to lowest. The proposed Basic Administrative Fee Percentage for the highest ranked Applications will be considered by HUD when making a selection decision. Award may not necessarily be made to the Applicant with the lowest proposed Basic Administrative Fee Percentage.

59.

Q: Applicant will be rated and ranked based upon their response to the elements associated with each Factor. The Point value associated with each element is the maximum value that it can be assigned". HUD does not state the basis for the award of the contract or whether any other Factors will be considered when making the contract award. Please clarify the basis of HUD's selection and contract award.

A: After rating each Application for each State, the ratings will be ranked from highest to lowest. The proposed Basic Administrative Fee Percentage for the highest ranked Applications will be considered by HUD when making a selection decision. Award may not necessarily be made to the Applicant with the lowest proposed Basic Administrative Fee Percentage.

#### 4.1 Capability Statement

60.

While we will notify our Owner and HUD references and prepare them for HUD's call, there will be instances when the reference is unavailable for reasons of extended vacation, personal leave, sick leave, etc.

Q Will HUD notify the bidder and allow them to provide an alternative reference?

A: Applicant needs to ensure the availability of the recommended reference. Reference calls will be conducted within a 2 week period commencing **May 9, 2011**.

61.

Q: Will HUD consider contacting references by email?

A: No

62.

Q: Element 2 makes references to the fact that HUD will make two attempts to contact owners through a telephone interview. Two owners have asked if they could write a letter. Is that acceptable?

A: No

63.

Q: The last sentence in the paragraph states, “It is the PHA’s responsibility to notify each owner or management agent that HUD will make two (2) attempts to contact them for a brief telephone interview.” What happens if two attempts are made and there is no contact? Will the PHA automatically lose the possible 30 points or be given an opportunity to provide another reference?

A: All reference calls are scheduled to be made Monday through Friday May 9-13 and May 16-20. If the reference cannot be contacted the score will be zero (0) for that reference. There are a total three owner/agent reference contacts. The maximum number of point for each reference contact is 7.5 points (this is maximum number of points that would be lost if a reference cannot be contacted). The maximum total points for all three reference contacts are 22.5. The remaining 7.5 points are allocated to the evaluation of the Applicant’s written response to Element 2 describing its experience working with the referenced owners/agents. Total maximum points for Element 2: 30

Element 2

64.

Q: For Element 2 of the Capability Statement, are we required to provide the owners/agent references with experience in the state in which we are applying for?

A: Owner/agents references should be entities that the PHA has worked with in the past five years.

65.

Q: Provide contact information for two (2) front-line HUD staff persons at the State or Regional level with whom the PHA has worked on routing programmatic matters. Can these HUD references include Contract Administrator Oversight Monitors (CAOMs)?

A: HUD Front line staff positions would include CAOMs, PMs, SPMs or equivalent positions in other HUD program areas.

Element 3

66.

Q: Can HUD references include former field or regional staff that are now working in HUD headquarters or are recently retired HUD staff?

A: HUD references should be currently employed in a state or regional HUD office.

67.

Q: Section 4.1 Element 3—is working with Office of Multifamily Housing staff different than working with staff of local HUD office?

A: The Office of Multifamily Housing is one of numerous HUD program offices that has representation in local HUD offices and may or may not be different.

68.

Q: Is “experience over past five years” calendar years? Does the fifth year end 12/31/10?

A: Five years should equate to the current 5 twelve month periods and the ending of the fifth year would be based on the 12 month tracking period.

69.

Q: Confirm requirements for each as they seem to overlap. Is Capability Statement designed to cover PBCA success and experience? And is Technical

Element 4

Approach designed to cover PBCA methodology to complete the tasks?  
A: Capability statement is designed to look at actual program experience of the PHA within the last five years with various stakeholders and the Technical approach designed to look at how the PHA intends to perform the various ACC tasks.

A: Capability statement is designed to look at actual program experience of the PHA within the last five years with various stakeholders and the Technical approach designed to look at how the PHA intends to perform the various ACC tasks.

Q: Describe the PHA's experience, within the last five years, recruiting, hiring, training and evaluating personnel to ensure effective management and performance of the PBTs. Is this an appropriate place to include the key personnel involved in the management and performance of the PBTs?

Element 5	A: Yes
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Q: Capability Statement - Element 6 states “describe the PHA’s experience monitoring federal statutes, regulations and program requirements, etc...” Need further clarification. Should description include “PHA’s experience “monitoring” compliance for federal “statutes”...”?

Element 6	A: Yes	1	1	5	1
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Q: Is a detailed workplan listing each PBT for all properties in the portfolio, expected or required? And if so, is this Annual Work Plan to be considered in the overall 30 page limit for Section 4.2 Technical Approach? The detailed annual work plan currently created by our software is submitted to HUD at the beginning of our fiscal year and updated quarterly. The plan lists all 235 properties and each planned activity per PBT which totals over 133 pages:

- 1). PBT #1 MORs – 6 pages
- 2). PBT #2 Adjust Contract Rents – 8 pages
- 3). PBT # 3 Review/Pay Monthly Vouchers – 115 pages annually (average 10 pages per month)
- 4). PBT #4 Renew HAP Contracts – 4 pages

A: No, the responses should be task based not portfolio based and would address how the PHA will perform, manage and measure specific performance of all the tasks specified in the ACC.

Q: If such a detailed Work Plan listing each property and the scheduled dates for each PBT is not being required, can HUD provide an example of the requested information to serve as a guide in order to reduce the number of unnecessary pages written by the respondent (that HUD will in turn be required to review)?

4.2 Technical Approach

A. The Work Plan should describe the procedures, processes, and resources that the PHA plans to apply to managing, performing, and measuring the

AQL of each PBT for the first twelve (12) month period of the ACC Term. It is not property specific. See Edits to the Invitation below: the reference to month-by-month has been deleted from Element 1 of the Technical Approach.

Element 1

74.

Q: Is this asking for résumés or condensed bio’s on individual staff members in leadership positions who will be overseeing the contact administration responsibilities?

A; Each Element of the Capability Statement provides an opportunity to identify key personnel and including relevant details about their experience. If resumes are included they are counted in the page limitation.

75.

Q: Element 2 states that applicant must demonstrate their ability to administer the general administrative and operating requirements of the ACC which should include a discussion of the executive leadership and oversight.

- Is this the appropriate place for a discussion of key personnel?
- Can resumes be provided as an appendix to augment this description, if appropriate for this section?
- Are you requesting an organizational chart?

A: This is an appropriate place to discuss key personnel and any related information including resumes, appendices etc will count against the page limitation. An organization chart is not requested in order to respond to this element.

76.

Q: Element 2 asks for a description of the legal ability. What type of information is being asked for in this description?

A: This element is asking for a description of how legal services will be provided for the PHA organization and who will be handling this aspect of the business.

77.

Q: Element 2 asks for a description of communication with HUD, owners, agents and tenants, especially those who are disabled. Is HUD asking for a description of the data system communication as a response, or can data system communication be covered under the reporting component of this element

A: The description of communication should include all related procedures and policies that will be in place to communicate with the customers, how and who will be involved and the systems to support successful communication.

Element 2

78.

Q: Element 2 asks for a discussion of meeting equal opportunity requirements. The ACC requires a certification by the PHA shall carry out its responsibilities. Does this need to be submitted as part of the Response.

A: The description of meeting this requirement should include all related procedures and policies that will be in place to comply, how and who will be involved in ensuring compliance with the requirement and any systems in place to support the operation.

79.

Q: Please provide a clarification on what is being requested in regard to “**Legal, Record Keeping, and Reporting**” in the description for general and operating requirements.

A: The description of meeting this requirement should include all related procedures and policies that will be in place to provide and support these activities, how and who will be involved in providing these activities and any systems in place to support this aspect of the operation.

80.

Q: For an applicant currently performing under a PB-ACC with HUD, what is expected for this element? Should the PBCA describe what it currently does when new contracts are assigned during the year or is something else expected here?

A: The incumbent PBCA would confirm operational status however if a new PHA is responding, information provided would reflect the activities necessary to get to full operational status within the context of the element in ninety (90) calendar days.

Element 5

81.

Q: There is no start-up for incumbents in the areas of office facilities; financial and accounting requirements; banking, insurance and fidelity bonding arrangements; recruiting, hiring and staffing, is the incumbent required to submit a response to these components of this element?

Is it HUD’s intention to require a full month-to-month schedule for each task of each PBT even when the PBTs are not dictated by calendar month? For example, there is no schedule for tenant calls, while Rent Adjustments and Contract Renewals are tied to contract anniversary/expiration dates and the owner’s subsequent response to those dates.

Based on your scoring criteria, how will the requirement be met?

Applicant must demonstrate a sound technical approach to preparing to assume responsibility for administration of the ACC and performance of the PBTs beginning ninety (90) calendar days prior to the effective date of the ACC.

For an applicant currently performing under a PB-ACC with HUD, what is expected for this element? Should the PBCA describe what it currently does when new contracts are assigned during the year or is something else expected here?

A. An Applicant submitting an Application for the State in which it currently operates may not have any start-up activities because it has the facilities, systems, and staff required to administer the ACC and perform the PBTs. If this is the case, the Applicant should state the facts related to facilities, systems, and staff and indicate that it is ready to administer the ACC and perform the PBTs at the time of award.

Section 5 Application Evaluation	82. Q: Regarding the dates of reviews, does this refer to exact calendar dates or the scheduled frequency of the reviews? A: The scheduled frequency of the reviews.
	83. Q: How will HUD evaluate a proposal if it’s the only one submitted for that particular State? i.e., if a single proposal meets all of the basic criteria listed; will the contract be awarded to the sole applicant? A: The applicant’s submission must be responsive to the Invitation for Application and if complete and responsive, yes the contract could be awarded to the sole applicant \\
	84. Q: One of the administrative objectives stated in the ACC is for the Department to get the best value for dollars spent for PHA services. However, the factors in the RFP do not give consideration to cost. How will the best value be determined? A: Review will consider factors including highest rated proposal and the lowest bid price.
Section 6 Amendments and additional guidance	85. Q: Applicants should regularly check the website for any amendments to the Invitation.” Will HUD provide a specific format or identifier if revisions to the invitation are made? A: Yes

SUMMARY OF EDITS TO THE ACC

- A. Section 3, PHA CONTRACT ADMINISTRATION SERVICES is edited to separate the Unit Limitation from sub-section 3 as follows:
4. Limitation on the Total Number of units Administered by the PHA and Serviced by Certain Subcontractors.
- B. The following references to a Statement of Work (SOW) in the ACC are deleted (see strikethrough).  
Exhibit A, Section 3 of the ACC specifies the Performance Based Tasks.

SECTION 1: DEFINITIONS

PERFORMANCE-BASED SERVICE CONTRACT (PBSC). The Performance-Based Service Contract is based on the development of a ~~performance-based Statement of Work~~ which defines the Performance-Based Tasks in measurable terms with established quantitative and qualitative performance standards and review methods to assure quality performance of the work.

PERFORMANCE-BASED TASK (PBT). A functional task that a Public Housing Agency must perform as described in the ~~Statement of Work~~ (Exhibit A, Section 3 4) in accordance with the requirements of the Performance-Based Annual Contributions Contract and regulations, handbooks, forms, notices, and guidance issued by the United States Department of Housing and Urban Development.

**ACC, EXHIBIT A, SECTION 5. PRS**

2. Column B: PBT title and reference to Section Number in Exhibit A to the ACC;

PRS TABLE						
A	B	C	D	E	F	G
PBT #	<del>SOW</del> PBT TITLE & SECTION NO. IN EXHIBIT A TO THE ACC	AQL	ALLOCATION PERCENTAGE	DISINCENTIVE DEDUCTION	QA METHOD	ASSESSMENT & PAYMENT FREQUENCY

**ACC, EXHIBIT A, SECTION 7. QCP**

When changes in the QCP occur, the QCP shall be updated and a copy shall be provided to the CAOM. The PHA QCP must address each the following elements and highlight changes.

- For each PBT, describe the internal control procedures that will be implemented to ensure that performance is maintained at the AQL specified in the ~~SOW~~ PRS, Exhibit A, Section 5.

**C. The following references to process metrics in the ACC are deleted (see strikethrough).**

**3.6. PBT #6 – Administration – Monthly and Quarterly Reports**

**Monthly Work Plan Report**

PHA must submit report to the CAOM in the jurisdictional HUD office by the tenth (10<sup>th</sup>) business day of each month for the previous month’s activities.

The Monthly Work Plan report must contain a detailed description of:

- Actual accomplishments for the month and year-to-date compared to the Annual Work Plan for the same period, including the names and titles of the PHA staff performing the PBTs;
- Instances where the actual performance of PBTs is ~~are processes~~ below the AQL and actions taken to improve performance, and changes, if any, to the QCP to ensure performance is maintained at or above the AQL. ~~is negative when compared to the planned performance specified in the process metrics set forth in the PHA’s Invitation for Submission of Applications: Contract Administrators for Project Based Section 8 Housing Assistance Payments (HAP) Contract under the Technical Approach, Section 4.2, Element 1;~~

**3.7. PBT #7 – Administration – ACC Year End Reports and Certifications**

**Annual Work Plan**



- Sixty (60) calendar days prior to ACC Year End, the PHA must submit to HUD a report that describes its month-by-month work plan to fully perform all PBTs during the next twelve months of operation.
- Identify the processes required to perform each PBT and the principal point of contact, by name and title, responsible for managing each process.
- ~~Describe process metrics providing input due date deadlines, when outputs are due and how the process manager and others in the organization know that the process was completed on time and according to its design.~~

**D. The first paragraph of the Disaster Plan requirement under Exhibit A, Section 3.7, is edited to conform to the Invitation and the sub-contractor requirement related to FTEs.**

### **3.7. PBT #7 – Administration – ACC Year End Reports and Certifications**

#### **Disaster Plan**

The PHA shall provide HUD a PHA Disaster Plan that details how the PHA and, if applicable, subcontractors that perform services that provide fifty (50) percent or more of the full time equivalent (FTE) employees required to perform PBTs Numbers one (1) through six (6) as specified in Exhibit A, Section 3, of the ACC, in the event of a natural or human caused disaster.

**E. The Disaster Plan Coordinator requirement to meet the qualification requirements of the State Emergency Management Agency is edited as follows (strikethrough words deleted).**

The Disaster Plan shall be updated when changes occur and an up-to-date copy of the PHA's Disaster Plan provided to HUD. The PHA shall provide HUD a PHA Disaster Plan Certification (Exhibit D) sixty (60) calendar days prior to the ACC year end. The Disaster Plan Certification shall be signed by a Disaster Plan Coordinator who has ~~must meet the requirements of the State emergency management agency~~ the education and experience to develop, manage, and test disaster, continuity of operations, or emergency management plans. ~~for State agencies.~~ The Disaster Plan Coordinator must attach a qualifications statement or resume to the certification

# SUMMARY OF EDITS TO THE INVITATION

A. The following references in to the PBTs were changed from Exhibit A, Section 4 to Section 3.

**2.4 Required Elements of Reasoned Legal Opinion for a Governmental Entity—corrected Exhibit A**  
**Section number**

(2) Was created under a statute that confers powers that include the power to administer project-based section 8 HAP Contracts, including the power to perform each of the eight PBTs identified in Exhibit A, Section 3, of the ACC. Although the statute may not explicitly enumerate such powers, the attorney signing the RLO must conclude and state that all such powers are within the scope of those explicitly conferred;

**2.5. Required Elements of Reasoned Legal Opinion for an Instrumentality Entity—corrected Exhibit A**  
**Section number**

(4) The instrumentality entity was created under a statute that confers powers that include the power to administer project-based section 8 HAP Contracts, including the power to perform each of the eight PBTs identified in Exhibit A, Section 3, of the ACC. Although the statute may not explicitly enumerate such powers, the attorney signing the RLO must conclude and state that all such powers are within the scope of those explicitly conferred;

B. The following references to a Statement of Work (SOW) in the Invitation are deleted (see strikethrough) and Exhibit A, Section 3, of the ACC is inserted.

**3.2. Limitation on the Total Number of Covered Units Administered by the PHA and Serviced by Certain Subcontractors**

A PHA may submit Applications for multiple States under this Invitation. The total number of Covered Units for all Applications submitted by a PHA shall not exceed thirty-three (33) percent of the total number of units in the Portfolio of All Active Project-Based Section 8 Contracts as published by HUD at the following Uniform Record Locator (URL): <http://www.hud.gov/offices/hsg/mfh/rfp/sec8rfp.cfm>. If the sum of the total number of Covered

Units for all Applications exceeds thirty-three (33) percent, all Applications submitted by the PHA will be rejected.

Certain sub-contractors may be engaged by PHAs to perform services under separate Applications to this Invitation where the sub-contractor provides fifty (50) percent or more of the full-time equivalent (FTE) employees required to perform PBT numbers one (1) through six (6) as specified in Exhibit A, Section 3 of ~~under the Statement of Work in~~ the ACC. The total number of Covered Units for Applications for which such a sub-contractor is engaged shall not exceed thirty-three (33) percent of the total number of units in the Portfolio of All Active Project-Based Section 8 Contracts. If the sum of the total number of Covered Units for such a sub-contractor exceeds this unit limitation, the Applications for all PHAs engaging that sub-contractor will be rejected.

#### **3.3.1.3 Sub-Contractor Certification**

8. List all States, beginning with the State and PHA for which this Application is submitted, that the sub-contractor has entered into an agreement with a PHA submitting an Application to this Invitation to provide fifty (50) percent or more of the FTE employees required to perform Performance-Based Tasks one (1) through six (6) as specified in Exhibit A, Section 3, of ~~under the Statement of Work in~~ the Annual Contributions Contract. The list shall include the Name of the State, Name of PHA, number of active Section 8 Project-Based Contracts for each State and the total number units for all active Section 8 Project-Based Contracts for all listed States:

#### **3.3.4. Quality Control Plan**

The Quality Control Plan portion of the application should exhibit the applicant's ability to design, manage, and monitor the internal controls required to ensure quality performance of the ACC and the PBTs described in Exhibit A, Section 3, of the ACC. ~~under the SOW.~~ The Quality Control Plan is a factor for award. Section 4, Factors for Award, details the seven (7) "Elements" that the applicant must address in the Quality Control Plan.

#### **3.3.6. Disaster Plan**

The PHA shall provide HUD a PHA Disaster Plan that details how the PHA and, if applicable, subcontractors that perform services that provide fifty (50) percent or more of the full time equivalent (FTE) employees required to perform PBTs Numbers one (1) through six (6) as specified in Exhibit A, Section 3, of ~~under the Statement of Work in~~ the ACC, in the event of a natural or human caused disaster.

The Disaster Plan Certification shall include:

This is to certify that I have reviewed the disaster plan for this organization and, if applicable, subcontractors that perform services that provide fifty (50) percent or more of the full time equivalent (FTE) employees required to perform PBTs Numbers one (1) through six (6) as specified in Exhibit A, Section 3, of ~~under the Statement of Work in~~ the ACC and to best of my knowledge and belief:

**C. The Disaster Plan Coordinator requirement to meet the qualification requirements of the State Emergency Management Agency is edited as follows (strikethrough words deleted).**

The Disaster Plan shall be updated when changes occur and an up-to-date copy of the PHA's Disaster Plan provided to HUD. The PHA shall provide HUD a PHA Disaster Plan Certification (Exhibit D) sixty (60) calendar days prior to the ACC year end. The Disaster Plan Certification shall be signed by a Disaster Plan Coordinator who has ~~must meet the requirements of the State emergency management agency~~ the education and experience to develop, manage, and test disaster, continuity of operations, or emergency management plans. ~~for State agencies.~~ The Disaster Plan Coordinator must attach a qualifications statement or resume to the certification

**D. Element 1 of the Technical Approach is edited to delete "Month-by-Month."**

Element 1: Applicant must demonstrate a sound technical approach to managing, performing, and measuring the Acceptable Quality Level of each of the PBTs specified in the ACC. The applicant's response shall begin with an Annual Work Plan that details the ~~month-by-month~~ activities required to fully perform all PBTs during the first twelve (12) month period of the ACC Term. (30 Points)

## **The questions listed in this section will be addressed in the Section 8 Contract Administrator Guidebook**

1. Pages 5 and 9 describe amending the ACC and the amendment being effective the first month of the next quarter. Under certain circumstances, that could be the next day. Recommend a minimum number of days be inserted, i.e. 60 days.
2. Page 7 Section 2a. (3) excludes this ACC from applying to the Section 8 Moderate Rehab. Program. The Section 8 State Agency Set-Aside Program (24 CFR Section 883) should also be excluded as well.
3. Page 11 Section 4b. (5) exempts payment of fees for units under a terminated HAP Contract. Will HUD pay for units under an expired

HAP Contract that is in the process of being renewed?

4. Page 13 Section 7b. (4) requires referring inquiries from governmental entities to HUD but also to provide “relevant information for HUD’s responses.” Suggest that a timeframe be established to accomplish both actions.
5. Page 25 Section 3.1 REAC Follow-up. HUD Handbook 4350.1 requires owner mitigation within 72 hours. Suggest adding this requirement to first bullet point.
6. Page 30 Section 3.3 in second to last sentence, says the PHA must submit “a voucher.” Should this be a payment request, not a voucher?
7. Page 31 Section 3.3(1<sup>st</sup> bullet point) monitoring owner EIV compliance. Per HUD EIV guidance, such monitoring is accomplished during the MOR. Suggest that this task be moved to Section 3.1 PBT #1.
8. Page 30 Section 3.3 A describes a process of the owner entering tenant data in TRACS and then the CA processing tenant certifications and vouchers through TRACS. The Industry standard followed by almost all CAs is to use CA software (provided by private industry) to complete the tenant certification and voucher review function. This internal software is TRACS compliant, only sends approved (error free) tenant certifications to TRACS, is more efficient and complies more nearly with HUD’s RHIIP Initiative. Replacing this Industry standard with the process described in this section of the RFP would result in more, not less, errors and likely overwhelm HUD’s TRACS database. It is extremely unlikely that software vendors would be able to retool their software by the ACC’s effective date of 10/1/11.
9. Page 31 Section 3.3 C. describes an “Error Tracking Log” identifying errors by category and resolution status. Are these tenant certification errors? Are they “fatal” errors or merely “discrepancies?” Because we do not send erroneous or inaccurate tenant certifications to TRACS (see comment directly above), fatal errors are very few. If notified by TRACS, the CA resolves such errors as it is usually a TRACS (not owner) error. If discrepancies, the owner is notified and asked to correct within the TRACS imposed cure period. This period can be up to a year in length. Such discrepancies do not prevent subsidy payment and, therefore, should not be tracked and logged.
10. Page 35 Section 3.4 B. requires that the PHA “ensure” that residents receive rental assistance upon opt-out by the owner. This action is controlled by the local HUD office and the local PHA to which HUD assigned vouchers. The CA could only refer tenants to either of those entities for assistance.
11. Page 35 Performance Standards—Contract Renewal completion within 45 days is directly dependent upon actions, such as funding, that are not controlled by the CA.
12. Page 36 Section 3.5 discusses owner and tenant notification dates. Because these are maintenance actions dependent upon parts delivery and staff scheduling, a one day timeframe for such actions appears too restrictive.

13. Page 40 Section 3.6 C. 4(b) discusses an MOR Open Findings Report. Some findings are not able to be cured within 30 days due to circumstances beyond the owner’s control. Suggest that “open findings” only be reported on a quarterly basis to HUD. That would reduce administrative burden to the CA and HUD.

14. Page 27, **PBT #2 – Adjust Contract Rents – Annual Adjustment Factor (AAF)**: The AAF section in the current ACC does not have the bullet “*Approve or disapprove the amount of the rent adjustment...*”

Question: Previous versions of the ACC had this bullet point. Should it be included here?

15. Page 28, **PBT #2 – Adjust Contract Rents – Operating Cost Adjustment Factor (OCAF)**: The OCAF section in the current ACC does not have the bullet regarding Reserve for Replacement.

Question: Previous versions of the ACC had this bullet point. Should it be included here?

16. Page 28, **PBT #2 – Adjust Contract Rents –Special Adjustments** – Paragraph 1 states that “*The appropriate jurisdictional HUD office must approve or deny all special adjustments.*”

Question: Do ALL Special adjustments require approval or just those over 10%?

17. Page 31, **PBT #3 – Review and Pay Monthly Vouchers**: Bullet Point #10 states “*Notify the owner, in writing of any corrections required and track corrections.*”

Question: Does this refer to corrections that are on the PBCA’s approved voucher?

18. Page 34, **PBT #4 – Renew HAP Contracts and Process Terminations or Expirations** – Bullet point #6 states that the “*HAP Contract is executed (signed) by the PHA and mailed to HUD for execution.*”

Question: Previously, we have been instructed to email the contracts to a special mailbox in order to expedite processing. Is emailing contracts still acceptable?

19. Page 35, **PBT #4 – Renew HAP Contracts and Process Terminations or Expirations** – The Performance Standards bullet point #4 states that the PHA will “*Process is completed within 45 calendar days of receipt of a complete owner submission.*”

Question: How does HUD define “completed?” The PBCA respectfully suggest that the process is completed when the funding request is sent to HUD. If it is defined by contract execution, much of the timing is out of the PBCA’s hands due to possible funding delays.

20. Page 35, **PBT #4 – Renew HAP Contracts and Process Terminations or Expirations** – The Performance Standards bullet point #6

states that the PHA will “*Submit complete resident data to HUD, using Form HUD-50059, within three business days of receipt of the owner’s 120-day notification of opt-out.*”

Question: Please clarify whether the PBCA is requesting tenant data from the owner AND printing tenant data from PBCA records and sending BOTH versions to HUD. Paragraph B indicates we request to get tenant data from the owner. AQL bullet #6 indicates we send data from our systems.

21. Page 36, **PBT #5 – Tenant Health, Safety, and Maintenance Issues:** Bullet point #2 states that the PHA will “*...direct owner to contact tenant to clarify nature of the issue and report to the planned actions and scheduled completion date to correct issues to the PHA not later than close of the next business day.*”

Question: In the instance of anonymous calls, where contact information is not available to provide to the owner; how does HUD intend the PBCA to handle these types of calls?

22. Page 40, **PBT #6 – Administration – Quarterly Risk Assessment Report:** Section D states that the PHA will provide a Notice of Defaults (NOD) of HAP Contracts Report.

Question: Can HUD provide further clarification regarding this report? The PBCA is only a co-signer on some of the NODs that issued and are rarely, if ever, informed by the Program Centers of NODs they issue independently. As for the status of the owner’s response, the NOD letters specifically instruct the owner to provide their responses and any coordination efforts directly to the Program Centers. Additionally, the report requires a description of the status of HUD enforcement actions. How will HUD forward the data regarding enforcement actions to the PBCA for the report?

23. The ACC states that the PHA must submit rent increases greater than 10% to HUD for approval or disapproval. Does the PHA have to submit rent decreases greater than 10% to HUD for concurrence as well?

24. The following questions for PBT#5 - Tenant Health, Safety and Maintenance Issues:  
The first requirement says that a tracking log will need to be maintained that includes "owner's planned vs. actual corrective performance."  
Do you want us to track the date the owner first said that the item would be corrected vs. the date the item is actually corrected or the actual plan provided by the owner?

25. Second and fourth requirements. Please clarify what one (1) business day means. If it is 24 hours, can it roll into the next business day if the inquiry is received late in the day? In addition, we believe that calling the owner/agent and leaving a message (if we are not able to talk directly with someone) would constitute notifying/contacting the owner. If not then we recommend that two (2) business days be used to increase the amount of time that we have contact the owner.

26. Will HUD provide a list that describes what is considered Health and Safety issues?

27. To respond to the requirements of this element we have the following questions regarding the Quarterly Risk Assessment required in PBT #6:

REAC Inspections - It says that the PHFA will provide (c.) Notice of Default and description of the HUD enforcement action. This is something that is done by HUD and would be difficult for the PHA to track. PHAs do not have access to the enforcement screens in iREMS.